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Mary Angie Garcia  
Bexar County District Clerk  
Accepted By: Krystal Torres

WJD

CITPPS

5:20-CV-1461

CAUSE NO. **2020CI22724**

AMANDA EDMONSON,  
PLAINTIFF

VS.

STARBUCKS CORPORATION;  
DEFENDANT

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IN THE DISTRICT COURT

166th JUDICIAL DISTRICT

OF BEXAR COUNTY, TEXAS

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**PLAINTIFF'S ORIGINAL PETITION,  
TRCP 193.7 NOTICE OF SELF-AUTHENTICATION,  
TRCP REQUEST FOR DISCLOSURE AND ATTACHED DISCOVERY**

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**TO THE HONORABLE JUDGE OF SAID COURT:**

NOW COMES AMANDA EDMONSON, hereinafter referred to by name or as PLAINTIFF, and complains of STARBUCKS CORPORATION, hereinafter referred to as "STARBUCKS" or as DEFENDANT, and for cause of action would respectfully show unto the Court as follows:

**I.**

**DISCOVERY CONTROL PLAN**

1. PLAINTIFF intends that discovery be conducted under LEVEL 3 of RULE 190 of the TEXAS RULES OF CIVIL PROCEDURE.

**II.**

**PARTIES**

2. PLAINTIFF AMANDA EDMONSON is an individual residing in BEXAR County, Texas.

3. Defendant STARBUCKS, is a foreign for-profit corporation authorized to do business in the State of Texas and may be serve with process through its registered agent, Corporation Service Company dba CSC - Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701.

**III.**

**JURISDICTION & VENUE**

4. The subject matter in controversy is within the jurisdictional limits of this court.

5. Plaintiff seeks monetary relief over \$1,000,000.
6. This court has jurisdiction over the parties because Defendant is a Texas resident.
7. Venue in Bexar County is proper in this cause under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county.

**IV.**  
**FACTS**

8. At all times material hereto, Defendant was the possessor in control of the premises located at 5701 Tri-County Parkway, Schertz, TX 78258.

9. On or about March 10, 2020, AMANDA EDMONSON was an Invitee on property controlled by the Defendant, and was injured under the following circumstances: Plaintiff went to STARBUCKS, located at 5701 Tri-County Parkway, Schertz, TX 78258, on March 10, 2020. Clients went to the Defendant's place of business to purchase and drink a beverage. The chair that she sat in suddenly broke causing her to fall backwards onto her backside striking her head, back and shoulders on the concrete floor causing significant injuries. The Defendant's employees had previous been warned that the chair was defective by another patron and failed to investigate and remove the chair from service.

10. Defendant breached the duty of care it owed to Plaintiff as a business invitee and were both negligent and grossly negligent in their failure to exercise ordinary care in the safety of Plaintiff. Consequently, Plaintiff was an invitee to whom Defendant owed a duty to use ordinary care, including the duty to protect and safeguard Plaintiff from unreasonably dangerous conditions

on the premises, or to warn of their existence. Plaintiff seeks all applicable damages available under Texas law.

**V.**  
**CAUSES OF ACTION**

**A. *PREMISES LIABILITY***

11. On or about March 10, 2020 and at all times mentioned herein, Defendant was the possessor of the property in question and either owned, occupied or maintained the premises located at 5701 Tri-County Parkway, Schertz, TX 78258. as a coffee shop.

12. At all times mentioned herein, STARBUCKS had such control over the premises in question that STARBUCKS owed certain duties to Plaintiff, the breach of which proximately caused the injuries set forth herein.

13. On or about March 10, 2020, AMANDA EDMONSON was an Invitee on the premises owned by the Defendant when AMANDA EDMONSON was injured as a result of the acts and omissions of the Defendant.

**B. *PREMISES DEFECT***

14. That on the date AMANDA EDMONSON was injured, a dangerous condition existed on the Defendant's premises which was the proximate cause of the injuries, specifically the Plaintiff was provided a chair about which the Defendant, by and through its employees, had actual and/or constructive knowledge of its defective state.

15. That the Defendant had actual or constructive knowledge of the condition just described on Defendant's premises as demonstrated by the fact that the Defendant was informed that there was something wrong with the chair moments before the Plaintiff sat in the chair and

had plenty of time to investigate and remove the chair from service.

16. That the condition just described posed an unreasonable risk of harm to AMANDA EDMONSON and others in that there was such a probability of a harmful event occurring that a reasonably prudent person would have foreseen that the event that did occur or some similar event was likely to happen.

17. That the Defendant did not exercise reasonable care to reduce or eliminate the risk.

18. The negligent, careless or reckless acts and omissions of STARBUCKS consisted of one or more of the following:

- A. Defendant failed to discover and remove the chair from the location which created a hazardous situation within a reasonable time;
- B. Defendant failed to use due care in the inspection and maintenance of the chair used by its customers; and
- C. Defendant failed to warn AMANDA EDMONSON of the unsafe condition that it had actual or constructive knowledge of after being warned by another patron.

19. Each and all of the foregoing acts and or omissions were negligent and constituted negligence and were each and all the proximate cause of the incident which forms the basis of this suit, and was a proximate cause of Plaintiff's injuries and damages.

**C. *RESPONDEAT SUPERIOR***

20. At all times material hereto, all of the agents, servants, and/or employees for Defendant, who were connected with the occurrence made the subject of this suit, were acting within the course and scope of their employment or official duties and in furtherance of the duties of their office or employment. Therefore, Defendant is further liable for the negligent acts and omissions of its employees under the doctrine of *Respondeat Superior*.

21. Each and all of the foregoing acts and or omissions of the agents, servants, and/or employees for Defendant was negligent and constituted negligence and were each and all the proximate cause of the incident which forms the basis of this suit, and was a proximate cause of Plaintiff's injuries and damages.

***D. GROSS NEGLIGENCE***

22. Defendant's acts or omissions described above, when viewed from the standpoint of Defendant at the time of the act or omission, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to Plaintiff and others. Defendant had actual, subjective awareness of the risk involved in the above described acts or omissions, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of Plaintiff and others.

23. Based on the facts stated herein, Plaintiff requests exemplary damages be awarded to Plaintiff from Defendant.

24. The above act and/or omissions were singularly and cumulatively the proximate cause of the occurrence in question and the resulting injuries and damages sustained by Plaintiff.

25. Each of these acts and/or omissions, whether take singularly or in any combination constitute negligence, negligence per se, and gross negligence which proximately cause the collision and injuries and other losses as specifically set forth herein.

**VI.**  
**DAMAGES**

26. As a direct result of the conduct of Defendant and its agents, servants, and employees, Plaintiff suffered severe injuries to her body, more specifically to her neck, knee, shoulder and lower back. These injuries are permanent in nature. The injuries have had a serious effect on Plaintiff's

health and well-being. Some of the effects are permanent and will abide with Plaintiff for a long time into the future, if not for her entire life. These specific injuries and their ill effects have, in turn, caused Plaintiff's physical and mental condition to deteriorate generally and the specific injuries and ill effects have caused and will, in all reasonable probability, cause Plaintiff to suffer consequences and ill effects of the deterioration of her body for long in to the future if not for the balance of her natural life. As a result of the nature and consequences of her injuries, Plaintiff has suffered great physical and mental pain, suffering and anguish and in all reasonable probability, will continue to suffer in this manner for a long time in to the future, if not for the balance of her natural life. By reason of all the above Plaintiff has suffered losses and damages in a sum within the jurisdictional limits of this Court and for which this lawsuit is brought.

27. As a further result of all of the above, Plaintiff has incurred expenses for her medical care and attention. These expenses were incurred for the necessary care and treatment of injuries resulting from the incident complained of. The charges are reasonable and were the usual and customary charges made for the services.

28. As a further result of the injuries sustained by Plaintiff, there is reasonable probability that he will require further medical care and attention and will incur future reasonable and necessary expenses for her medical care and attention.

29. As a consequence of the injuries sustained by Plaintiff, he has suffered physical scarring and injury. In all reasonable probability, this disability will cause him to suffer long into the future, if not for the balance of her natural life, all to the damage in an amount that is within the jurisdictional limits of this Court for which he now sues.

30. By reason of all of the above, Plaintiff has suffered losses and damages in a sum within the jurisdictional limits of this Court for which he now sues.

31. Plaintiff affirmatively pleads that he seeks monetary relief in the maximum amount allowed by the court excluding costs, pre-judgment interest and attorneys' fees. Plaintiff further seeks mitigated exemplary damages for Defendant's grossly negligent conduct, in an amount not less than three (3) times Plaintiff's actual damages and or in such an amount as may be allowed by law.

32. Pursuant to RULE 47 of the TEXAS RULES OF CIVIL PROCEDURE, Plaintiff seeks monetary relief **OVER ONE MILLION AND 00/100 DOLLARS (\$1,000,000.00)** and a demand for judgment for all the other relief to which Plaintiff deems himself justly entitled at the time of filing this suit, which, with the passage of time, may change.

**VII.**  
**INTEREST**

33. Plaintiff further requests both pre-judgment and post-judgment interest on all damages as allowed by law.

**VIII.**  
**DEMAND FOR JURY TRIAL**

34. Plaintiff demands a trial by jury. Plaintiff acknowledges payment this date of the required jury fee.

**IX.**  
**REQUEST FOR DISCLOSURE**

35. Pursuant to RULE 194 of the TEXAS RULES OF CIVIL PROCEDURE, Defendant is requested to disclose, within fifty (50) days of service hereof, the information and material described in each section of TEX. R. CIV. P. 194.2.

**X.**

**NOTICE OF SELF AUTHENTICATION**

**36.** Pursuant to RULE 193.7 of the TEXAS RULES OF CIVIL PROCEDURE, Defendant is hereby noticed that the production of any document in response to written discovery authenticates the document for use against that party in any pretrial proceeding or at trial.

**PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff requests that the Defendant be cited to appear and answer, and on final trial hereafter, the Plaintiff has judgment against Defendant, in an amount within the jurisdictional limits of this Court, for Plaintiff's actual damages, statutory damages, attorneys' fees, pre judgment and post judgment interest as allowed by law, costs of Court, and such other and further relief to which Plaintiff may be justly entitled by law and equity, including but not limited to:

- A. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiff, AMANDA EDMONSON for the necessary care and treatment of the injuries resulting from the accident complained of herein and such charges are reasonable and were usual and customary charges for such services in Bexar County, Texas;
- B. Reasonable and necessary medical care and expenses which will, in all reasonable probability, be incurred in the future;
- C. Physical pain and suffering in the past;
- D. Mental anguish in the past;
- E. Physical pain and suffering in the future;
- F. Mental anguish in the future;
- G. Physical impairment in the past;
- H. Physical impairment which, in all reasonable probability, will be suffered in the future;
- I. Loss of earnings in the past;
- J. Loss of earning capacity which will, in all probability, be incurred in the future;
- K. Loss of Consortium in the past, including damages to the family relationship, loss of care, comfort, solace, companionship, protection,



- services, and/or physical relations;
- L. Loss of Consortium in the future including damages to the family relationship, loss of care, comfort, solace, companionship, protection, services, and/or physical relations;
  - M. Loss of Household Services in the past;
  - N. Loss of Household Services in the future;
  - O. Disfigurement in the past;
  - P. Disfigurement in the future; and
  - Q. Cost of medical monitoring and prevention in the future.

Respectfully submitted,

**THOMAS J. HENRY, INJURY ATTORNEYS**  
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San Antonio, Texas 78249  
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**ATTORNEYS FOR PLAINTIFF**  
*\*Service by e-mail to this address only*

\* Plaintiff designates the above-referenced e-mail address as the only e-mail address to be used for service via e-filing. Notice is hereby given that e-mails sent to any other e-mail address will not be accepted for the purposes of service in this cause. If e-filing is not currently available, then service will be designated in accordance with the Texas Rules of Civil Procedure.